

REMARKS

Claims 1 to 19 are pending.

103 Rejections

Claims 1-19 stands rejected under 35 USC § 103(a) as being unpatentable over Brumlik ('455).

The examiner is directed to MPEP section 2113, which in part is quoted below:

“2113 Product-by-Process Claims [R-1] - 2100 Patentability

.....
The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. See, e.g., *In re Garner*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979) (holding "interbonded by interfusion" to limit structure of the claimed composite and noting that terms such as "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations.)".....

The claimed process is incapable of producing a hook fiber with adhesively attached nubs such as in Brumlik. The claimed process steps in the product by process claims are a continuous film extrusion process. A film is extruded from a die as a continuous polymeric flow. This necessarily implies a specific integral structure. There is certainly not a film backing and nubs with an adhesive interface between the two. This is the reason why the PTO allows the use of product-by-process claims. Where a specific structural feature is one which flows from the process and the PTO has not allowed this structured feature to be defined by any specific English language terminology.

However applicants were only driven to product-by-process limitations in the first place due to applicants position of an erroneous interpretation of the claim term "integral extrusion

formed" as being meaningless, which is inconsistent with its common accepted meaning in the English language as well as the clear intended meaning as defined by applicants specification (i.e. how the applicant as lexicographer uses the terms in the context of the invention).

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Allowance of claims 1-19, as amended, at an early date is solicited.

Respectfully submitted,

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Date

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